# Cuba

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| **Response to Information Request Number:** | CUB99001.IMJ |
| **Date:** | 9 August 1999 |
| **Subject:** | Cuba: Status of Homosexuals |
| **From:** | INS Resource Information Center |
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**Query:**

What is the status of homosexuals in Cuba?

**Response:**

During the first three decades of the Cuban Revolution, homosexuality was outlawed and gay people were persecuted—severely during the 1960s—ridiculed, and marginalized. Fidel Castro denounced homosexuality as "a bourgeois perversion." (Llovio-Menendez, 1988; Casey, 1998) In the late 1980s and early 1990s, the attitude of the state began to change as the Castro government sought to promote an image of liberality as it cast about for foreign allies and investments in the non-Communist world. (Marquis, 1995; Morris, 1996) In 1988, provisions of the Cuban Penal Code regarding homosexuality were softened. Punishable offenses would now include only "publicly manifested" homosexuality, for which someone can be sentenced to prison for between three months and one year, and "persistently bothering others with homosexual amorous advances," for which someone can be fined. (IGLA, 1999)

The change in the law lessened the constant fear under which Cuban gays and lesbians had been living when homosexuals were automatically viewed as enemies of the state. But it was not until 1993, when the Cuban government permitted the production of *Fresa y chocolate*, "Strawberry and Chocolate"—an internationally acclaimed film critical of Communist homophobia—and stopped the forcible and perpetual quarantine of all people who were HIV-positive (a policy established in 1986), that Cuban gays and lesbians began to come out in significant numbers. (Marquis, 1995; Snow, 1998) Under the new policy, known HIV-positive patients whom the government considers "responsible" in their sexual behavior, evidently a majority thus far, have been allowed either to live at home or make weekend home visits, and work if they have jobs. (AP, 1998; IGLA, 1999) In the mid-1990s, more artists were emboldened to take up gay themes in theater and song, youths increasingly affected an androgynous look, public discussion of homosexuality even on a few unprecedented occasions in the state-run media—and the government invited some international gay-rights groups to Cuba. (Marquis, 1995; Acosta, 1998)

However, freedom for Cuban gays and lesbians continued to be limited. Gay social life remained discreetly centered around private parties in people's homes and there were no openly gay bars. People who attended such parties were subject to occasional and arbitrary enforcement of Penal Code provisions regarding "public manifestations" of homosexuality. (Marquis, 1995; ILGA, 1999) Moreover, societal intolerance remained widespread, particularly outside the capital of Havana, stemming from the strong strain of *machismo* in Cuban culture which had been reinforced by decades of government persecution. As a result, many gays and lesbians continued to fear being identified as openly gay either at home or in the workplace. (Rivero, 1997; Harper, 1996; Acosta, 1998)

Moreover, the government blocked the only attempt to initiate a gay movement: The Cuban Association of Gays and Lesbians, formed by eighteen people in late 1994, was allowed to exist for a while but ultimately was suppressed in 1997 when its members were arrested at their places of employment. (ILGA, 1999)

Along with the repression of the Cuban Association of Gays and Lesbians, 1997 saw the beginning of a general crackdown against gay and lesbian activities which has continued off and on into 1999. The crackdown has been rooted in the government's mounting concern about criminal activity stemming from the opening of the country to foreign tourists and investment, the rise in heterosexual and homosexual prostitution, an increase in AIDS cases, and Cuba's negative image as a magnet for sexual tourists. (AFP, 1997; Correa, 1997; Navarro, 1999)

The principal targets have been the dozen or so unlicensed gay discos established in private homes. These evolved from the regular private parties of the early 1990s into full-fledged though clandestine enterprises. Initially, they were tolerated by the government, apparently because they brought in much needed foreign exchange from tourists. But in a large-scale sweep by police in Havana in August 1997, most were shut down, the proprietors arrested and their cash confiscated. At the largest and most well-known gay disco, *El Periquitón*, Cuban police said that they had detained numerous male prostitutes and pimps among the 800 people found there. Most of the Cuban clientele of the discos were let off with a fine and warning of imprisonment if they did not desist from publicly displaying their homosexuality. Foreigners who were detained were released after a check of their documents. (Correa, 1997; EFE, 1997) Many of the Cuban gay and lesbian clientele also were reportedly beaten by police. (HRW, 1997) The crackdown extended to known gay meeting places throughout the capital, such as *Mi Cayito*, a beach east of Havana, where gays were arrested, fined or threatened with imprisonment. (Correa, 1997) According to a report by an independent Cuban journalist in Havana, Cuban authorities said that more than 500 people, including numerous gay men, lesbians and transvestites, were detained during the August 1997 crackdown. (Zuñiga, 1997)

After the 1997 crackdown, Cuban gays and lesbians began keeping a lower profile amid intermittent sweeps of gay and lesbian meeting places. Fidel Castro's apparent criticism of the late director of *Fresa y chocolate*, Tomás Gutiérrez Alea, during a speech in February 1998 seemed to cast a further chill over Cuba's gay community. (Fletcher, 1998) Still, a number of clandestine gay clubs continued to operate sporadically in private homes, and homosexual as well as heterosexual prostitution remained prevalent, if less visible. (Vásquez Portal, 1998; Orrio, 1998)

In February 1999, the Cuban government instituted a new set of tough, anti-crime laws which stiffened penalties for, among other crimes, promoting prostitution and the corruption of minors. That followed a speech by Fidel Castro a month earlier in which he sounded the alarm against the threat of "moral laxity" and "corruption." With the new law came the deployment in Havana of *Brigadas Especiales*, special police units with distinctive black berets, which gave the capital the feel of a city under siege. The crackdown resulted in a sharp reduction of prostitutes on the streets. (Navarro, 1999) Prostitution itself is not illegal or penalized as a criminal offense, but it is officially regarded as "anti-social" and a magnet for other crimes such as drug use. In the first half of 1999, substantial numbers of prostitutes were rounded up and either sent back home to rural areas or interned in "rehabilitation centers," work camps where they receive counseling while putting in up to four years of agricultural and other labor. (Navarro, 1999; Tamayo, 1999) It has been unclear from reports by foreign and independent Cuban journalists whether homosexual prostitutes have been included in the rehabilitation program.

According to independent Cuban journalists, the anti-crime crackdown in 1999 has included increased numbers of sweeps in known gay and lesbian meeting places such as public parks by regular police as well as the *Brigadas Especiales*. Some gay people reported that they were extorted for money during such sweeps in exchange for not being arrested, and there was one report of transvestites being shaken down by police for sex

(Brito, 1999; Viera, 1999).

This response was prepared after researching publicly accessible information currently available to the RIC within time constraints. This response is not, and does not purport to be, conclusive as to the merit of any particular claim to refugee status or asylum.

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